

E. K. Wade (Pro Se)  
542 North Civic Drive, Apt. D  
Walnut Creek, CA 94597  
(925) 323-1578  
[ekpeactime@aol.com](mailto:ekpeactime@aol.com)

**Attorney for Plaintiff**

**FILED**  
08 APR -1 AM 9:25  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**E. K. Wade**

**Plaintiff,**

**vs.**

**Elaine Chao, Secretary  
U.S. Department of Labor**

**Defendant.**

**Case No. C 08-0021 JSW**

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT, OR IN THE ALTERNATIVE,  
SUMMARY ADJUDICATION OF ISSUES  
WITHOUT SUBSTANTIAL  
CONTROVERSY**

**Date: May 9, 2008  
Time: 9:00 A.M.  
Place: Courtroom 2, 17<sup>th</sup> Floor  
Before: Honorable Jeffrey S. White**

**TO DEFENDANT U.S. ATTORNEYS AND ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on May 9, 2008, in Courtroom 2 of the above-entitled Court at 9:00 A.M., or as soon thereafter as the matter can be heard, Plaintiff will move for summary judgment, or in the alternative, for summary adjudication of the issues without substantial controversy, on the grounds that there are no disputes of material fact.

This motion will be based upon this notice, on the memorandum of points and authorities, statement of undisputed facts, and declarations of E. K. Wade filed herewith, on all the

1 pleadings, papers, and records on file herein, and on such further oral and documentary evidence  
2 as may be presented at the hearing of this motion.  
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4 Dated this 1<sup>st</sup> day of April 2008

5 *E. K. Wade*  
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7 E. K. Wade (Pro Se)  
8 Attorney for Plaintiff  
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12 ekpeactime@aol.com  
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